IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 3996 of 2007(A)

PETITIONERS:
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1. RAJAGOPALAN, S/O. MADHAVAN,
AGED 25 YEARS, EZHIKATTIL HOUSE, POOTHAMPARA P.O.,
KAVILAMPARA VIA., CALICUT DISTRICT-673 513.

2. ANNAMMA CHACKO, D/O. MATHEW,
AGED 54 YEARS, VALIYAKAROTH HOUSE, POOTHAMPARA P.O
KAVILAMPARA VIA., CALICUT DISTRICT-673 513.

3. ALEYAMMA THOMAS, W/O. THOMAS,
AGED 35 YEARS, VADAKKEKARA HOUSE, POOTHAMPARA P.O.
KAVILAMPARA VIA., CALICUT DISTRICT-673 513.

BY ADV. SMT.M.V.RETNAMMA
SRI.V.K.SUBRAMANIAN

RESPONDENTS:
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1. N.T. PADMANABHAN,
VALAKAYATHIL VEEDU, POTHAMPARA P.O.,
KAVILAMPARA VIA., CALICUT DISTRICT-673 513.

2. E.K. JAFFAR,
EDAVANAKUNNUMMEL HOUSE, POOTHAMPARA P.O.,
KAVILAMPARA VIA., CALICUT DISTRICT-673 513.

3. KAVILAMPARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, POOTHAMPARA P.O.,
KAVILAMPARA VIA., CALICUT DISTRICT.-673 513.

4. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, CALICUT.

5. THE SUB DIVISIONAL MAGISTRATE, CALICUT.

6. THE DEPUTY CHIEF CONTROLLER OF
EXPLOSIVES, KENDRIYA BHAVAN, KAKKANAD, COCHIN-37.

BY ADV. SRI. JOHN VARGHESE, ASST. S.G.
GOVERNMENT PLEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3996/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE LICENCE ISSUED BY THE GEOLOGIST UNDER KERALA MINOR MINERAL CONSESSION RULES TO THE R1.

EXT.P1A. COPY OF THE LICENCE ISSUED BY THE GEOLOGIST UNDER KERALA MINOR MINERAL CONCESSION RULES TO THE R2.

EXT.P2. COPY OF THE LETTER TO THE R6.

EXT.P4. COPY OF THE LETTER BY R3.

EXT.P4. COPY OF THE REPRESENTATION DGT. 18/10/2006 TO R5.

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Thottathil B. Radhakrishnan, J.

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W.P.(C)No.3996 of 2007

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Dated this the 8th day of February, 2007.

JUDGMENT

Having heard the learned counsel for the petitioner and the learned Government Pleader, without expressing anything on merits, this writ petition is disposed of directing that Ext.P4, if received and pending, will be taken up by the fifth respondent and appropriate action shall be taken thereon in accordance with law, after hearing the necessary parties. It will also be open to the petitioners to move the fifth respondent for any emergent interlocutory order, if necessary, and the fifth respondent will consider such request also. The fifth respondent shall finally dispose of the matter by taking the views of the fourth respondent, who has jurisdiction in relation to mining activities. It is also to be ensured that there is no mining activity in any area in relation to which Ext.P4 is made, without due licence and necessary sanction is obtained from all appropriate authorities. The fifth respondent shall further ensure that there is

no loss to the life and property of the petitioners and he will take a final decision in the matter, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Thottathil B.Radhakrishnan,
Judge.

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